

**REMARKS**

Claim 1 stands rejected as being obvious over Hayashi in view of Dowling. Claim 1 is directed to a mobile communications device comprising a processor that calculates the synchronizing information based on an analysis of an audio file. The processor then uses the calculated synchronization information to synchronize the operations of a complementary multi-media effect, such as lights or a vibrating mechanism, with the audio file.

The Examiner admits that Hyashi fails to teach or suggest calculating synchronization information based on an analysis of an audio file, but contends that Dowling does. However, the Examiner misconstrues the teachings of Dowling. In Dowling, a computer system that controls lights includes an audio decoder that receives an audio signal. The audio decoder generates a control signal as a function of the audio signal, and outputs the control signal to a mapper containing a plurality of pre-defined functions. Based on the control signal, one of the functions in the mapper is invoked to control the lights.

Dowling generates the control signal based on a characteristic of the audio signal, which varies over time. Nevertheless, the control signal does not constitute synchronization information. The control signal is generated in real-time, not generated in advance of rendering the audio file, and cannot provide a timeline to control a light to turn on or off in synchronization with a particular note. Thus, the Dowling control signals are merely "function selection commands" generated to select one of a plurality of predetermined mapping functions at the time the audio is rendered.

Indeed, calculating synchronization information as in claim 1 requires more than just generating a command to select a predetermined function. Instead, it requires a processor to compute the data that is used to synchronize the multi-media effects with the audio file. The calculations are performed in advance of rendering the audio file

(e.g., to alert a user to an incoming call) to allow the processor performing the synchronization to adjust for signaling delays inherent with the device. This produces a more accurate synchronization than do conventional devices that simply base their synchronization on predetermined data extracted from the audio file.

Neither Hyashi nor Dowling teaches or suggests calculating the synchronization information as recited in claim 1. Therefore, any *combination* of these references necessarily fails to teach or suggest this aspect of claim 1. The §103 rejection of claim 1 fails, as do the rejections to its dependent claims.

The Examiner also rejected independent claims 22, 41, and 57 as being obvious over Hyashi in view of Dowling for substantially the same reasons as those cited for claim 1. However, each of these claims contains language similar to claim 1. As such, for reasons similar to those stated above, neither Hyashi nor Dowling, alone or in combination, teaches or suggests any of claims 22, 41, and 57, or any of their respective dependent claims.

The Examiner also rejected claim 11 as being obvious over Hyashi in view of Shibata. Claim 11 is directed to a mobile communications device that stores the audio file in memory. The user selects synchronizing information, such as timing signatures, via a user interface. The device's processor associates this selected information with the audio file, and synchronizes the playback of the audio file with one or more complementary multi-media effects based on the user-supplied synchronizing information.

The Examiner admits that Hyashi fails to teach or suggest this aspect, but contends that Shibata associates user selected synchronization information with an audio file, and synchronizes playback of the audio file with one or more complementary multi-media effects based on the user-supplied synchronizing information. This is not what Shibata teaches or suggests.

Shibata simply discloses a method in which a user can select a ring tone having a plurality of pre-defined "melodic lines." According to Shibata, each melodic line stores pre-defined "sound source data" of each ring tone stored in memory that is necessary to control a vibrator mechanism and flashing lights. *Shibata*, ¶[0026]. In other words, the melodic lines selected by the user are parts of the actual ring tones rendered upon receipt of an incoming call. Because a selected melodic line and a selected ring tone are actually one in the same, one is already associated with the other. Shibata does not associate user-selected synchronization information to an audio file, and in fact, there is no need for Shibata to perform this step of the claimed invention.

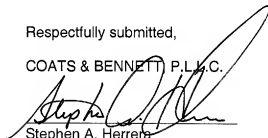
Both Hayashi and Shibata already contain synchronization information within their audio files. As such, there is no need for either to associate user-selected synchronization with an audio file as claimed, and any combination of the two would fail to produce in the claimed invention. None of the references teaches or suggests, alone or in combination, claim 11 or any of its dependent claims.

The Examiner also rejected claim 31 as being obvious over Hyashi in view of Shibata for reasons similar to those stated above for claim 11. Claim 31, however, is a method claim that corresponds to claim 11 and contains similar language. Accordingly, for reasons similar to those stated above, neither Hyashi nor Shibata, alone or in combination, teaches or suggests claim 31 or any of its dependent claims.

In light of the foregoing remarks, Applicant requests that the Examiner allow all pending claims.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Stephen A. Herrera', is written over a horizontal line. The signature is fluid and cursive.

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